

Testimony by Congressman Jim Moran
before the House Government Reform Committee
“BRAC and Beyond: An Examination of the Rationale Behind Federal Security
Standards for Leased Space”
July 27, 2005

Chairman Davis and Ranking Member Waxman, thank you for the opportunity to appear today and for holding this oversight hearing to examine DoD’s building security standards for leased space and the rationale behind using these standards in the BRAC process. I’d like to address the problems I foresee with the Department of Defense’s approach in both the BRAC process and the larger building security standards for leased space:

- The adoption of these standards without any public process;
- The strong bias against leased space without supporting data and documentation;
- The arbitrary nature of the standards;
- The message these standards send to the nation;
- The lack of –unlike any other government agency—performance-based standards that would take advantage of the extraordinary wealth of innovation and technology we have in Northern Virginia to provide incentives for producing better building security methods that will make all Americans safer.

Issued on October 8, 2003, the Department of Defense’s Minimum Anti-terrorism Standards for buildings and leased space represent a prescriptive approach that deviates from the performance-based standards that most government agencies currently follow. Furthermore, these standards overlook how to prevent other forms of terrorist threats, such as suicide bombings and chem-bio contamination, and would have done nothing to prevent the attacks of 9/11. They have not been subjected to public comment and, until now, have not undergone any Congressional hearings.

Effective on October 1st of this year, these standards will apply to any new construction and any new leased space, as well as any rollover of existing lease terms effective October 1, 2009. These DoD building standards are designed to protect against one primary threat - a truck bomb - but are poorly conceived. The standard is prescription-based, requiring all DoD agencies - military command centers and even some private DoD contractors - to abandon their present locations in favor of new sites on bases, or in locations without underground parking and that are set back at least 82 feet from the street. It will be difficult, if not impossible, for military facilities in leased space in an urban area such as Washington (and its heavily developed suburbs), New York, Dallas, San Diego, Miami, Boston, or any other of our metropolitan areas to meet this demand.

What kind of a message are we sending to our citizens with these kinds of security measures? That it is less safe to live in urban areas? That civilian employees of the Defense Department must have a different level of protection than CIA employees or the President or elementary school children in our communities?

What's at stake is more than this region's economic well being. Fighting international terrorism requires a far greater reliance on communications between the FBI, our intelligence community, the Defense Department and our new Department of Homeland Security. That is, these installations are based in this region for military enhancement—to ensure ready access to the Pentagon, the White House and Congress, but also to a growing public-private web of creative software development and intelligence that are critical to the 21st century threats the nation confronts.

In addition, the nature of our terrorism challenge overseas has changed. Today we rely as never before on the design of new software and technology. That imposes greater demands on critical synergies between the defense community and knowledge-based contractors and workers in the private sector. It is an extraordinary assumption to believe that the kinds of intelligent minds critical to this new mission will want to relocate far from our country's high-tech corridors. Secured communication lines and infrastructure will be disrupted and take years to re-establish at the new locations.

Contractors will experience fewer opportunities to collaborate and work hand-in-hand with the military on new weapons systems, enhanced response capabilities and software innovation. Congress and key policy advisors throughout the government will be denied the direct feedback and contacts that have traditionally fostered a highly productive relationship between the military and the other parts of federal government and private industry.

Mr. Chairman, the National Capital Region has more than 8.3 million square feet of leased space – 3.9 million square feet of which is in Arlington County alone - that will be affected by the proposed BRAC recommendations, most of which is in my Congressional district in Northern Virginia. The BRAC recommendations on leased space, if approved, will reduce total DoD leased space within our region by 80 percent, virtually gutting entire buildings in our region.

An additional 4 million square feet of leased office space in Northern Virginia not affected by BRAC, will be affected by DoD's minimum anti-terrorism standards for building security. These combined proposals represent a double punch to our region that will not only reduce available federal leased space but will also have a devastating impact on our region's government workforce and the tens of thousands of contractors and businesses who are co-located near these agencies. The symbiotic relationship that has been created in this region has helped make our military the strongest, most technically innovative in the world.

The irony is that the Defense Department's master plan for its own headquarters affirms that the Pentagon cannot meet the prescriptive building standard it seeks to impose on its satellite facilities and offices. Its setback is not sufficient and a Metro public transit center is less than 148 feet from the building.

DoD's proposed changes will not only displace tens of thousands of our nation's top military and civilian personnel located at these vital defense agencies, but will also

adversely affect our military readiness if our highly trained personnel do not move with their agencies and leave the federal workforce. In light of the costs and minimal added security offered by these standards, it is difficult to understand why the Department of Defense would unilaterally impose such standards and then expect the Congress, and the country, to foot the bill.

At a meeting that Chairman Davis and I convened last week with representatives from Northern Virginia's business community and Ralph Newton, Principal Deputy of the Washington Headquarters Service and the Director of Defense Facilities, we raised several concerns with DoD's minimum anti-terrorism building security standards. It was clear from this briefing that many questions remain unanswered concerning the Department's rationale behind its standard and why such limited criteria were used over other methods of achieving maximum building security.

I hope that today's officials will be able to shed some much needed light on the development of these standards and why they were applied to the BRAC process, which never included building security standards among its criteria. The DoD building security standard was unfairly applied in the BRAC process in a manner that disadvantaged leased space. It seemed to be a back door attempt by the Secretary of Defense to eliminate leased space in the National Capital Region, a move which is not going to produce cost savings and could result in the loss of too many of our most talented personnel, many of whom have indicated they will not move if their agencies relocate outside the Metro corridor.

Reasonable efforts toward security should be encouraged and continually reviewed. But they should be subjected to Congressional review, third-party analysis, and a formal public comment period. The management of the agencies and leased office buildings that will be affected by the Department's proposed building security standards were not approached for comment or input on what should be considered in designing more stringent security standards or how they could be reasonably met.

In addition, almost no other leased space in the country was targeted, and the Department made no effort to even determine whether the facilities they recommended for closure were compliant with those proposed building standards or could comply with minimal costs. While we can all agree that the security of our government facilities and workforce should be paramount, these standards base building security merely in terms of perimeter stand-off but fail to address the broader security challenges our nation confronts.

The Department's new standards overlook the work of the Interagency Security Committee's (ISC) security standards for leased space approved less than a year ago, and do not allow alternative means to achieve maximum security at leased office space. Furthermore, the architects of these new building standards have never been in a meeting to defend their actions. Despite repeated attempts by Senator Warner, myself and the distinguished Chairman before me, we still cannot get anyone at DoD to acknowledge who drafted these standards and why the Secretary of Defense used them in his BRAC

recommendations despite the fact that they were not part of the BRAC criteria. Rather, it seems that there was a bias against leased space and the BRAC process provided a convenient means for the Secretary to eliminate leased space in Northern Virginia.

Mr. Chairman, as you and your colleagues on this Committee examine possible legislative measures, I would like to call your attention to report language included in the FY2006 Defense Appropriations Bill that will require DoD to issue a report by the end of the year on the costs for implementing the Anti-terrorism standards and which compares DoD and GSA Anti-terrorism standards for buildings. As a member of the House Appropriations Subcommittee on Defense, I worked to include this language that requires the Secretary of Defense to provide a report to “explain differences in criteria used by the two agencies and propose alternatives for reconciling any conflicts between the standards to ensure that managers have one set of rules for meeting federal government anti-terrorism criteria.” This report should identify DoD advanced anti-terrorism technology capabilities that can be adopted, particularly anti-blast technologies.”

I encourage this Committee to also consider legislation that will further underscore this Congressional intent and to examine alternative security approaches and technologies that are available to help achieve enhanced security consistently across government agencies and leased buildings.

In conclusion, I believe the Secretary of Defense’s selection process set out to eliminate leased space in Northern Virginia, failed to collect and compare actual data, and as a result is neither accurate nor sufficient to meet the requirements of the law. Similarly, the Defense Department’s Minimum Anti-terrorism Standards reflect narrow approaches to building security and do not consider the kind of technology and performance-based criteria that are readily available and could bring many more agencies into compliance for a fraction of the costs that DoD will incur if it moves agencies out of leased space in the National Capital Region.

Mr. Chairman, I applaud your Committee for holding today’s hearing and I look forward to hearing from the other witnesses you have invited. I am happy to respond to any questions you or members of the Committee may wish to ask.